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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS

TINIAN WOMEN’S ASSOCIATION;
 GUARDIANS OF GANI; PAGANWATCH and
 CENTER FOR BIOLOGICAL DIVERSITY;

 Plaintiffs,

 v.

 UNITED STATES DEPARTMENT OF THE
 NAVY; RAY MABUS, Secretary of the Navy;
 UNITED STATES DEPARTMENT OF
 DEFENSE; and ASHTON CARTER, Secretary
 of Defense;

 Defendants.

Civil Action No. 1:16-cv-00022

**UNITED STATES’ MOTION TO
 DISMISS FOR LACK OF
 JURISDICTION**

The United States moves the Court under Federal Rule of Civil Procedure 12(b)(1) to dismiss Plaintiffs’ claims for lack of subject matter jurisdiction.

First, Plaintiffs’ request that the Court slow or enjoin the relocation of Marines from Okinawa to Guam — based upon Navy’s alleged failure to consider alternative locations outside of the Mariana Islands — is barred by the political question doctrine. The decision to realign the United States’ Japan-based forces to Guam is a policy choice constitutionally committed to the

1 Executive Branch by virtue of its responsibility for the conduct of the nation's foreign affairs —
2 a policy choice that the Executive Branch has formalized in a binding international agreement
3 with Japan. Second, Plaintiffs lack standing to assert their claims for declaratory relief with
4 respect to the Guam relocation, because the Court cannot act to redress their alleged injuries.
5 Third, Plaintiffs' claims seeking Administrative Procedure Act review of the Joint Military
6 Training regime proposed for Tinian and Pagan ("CJMT"), should also be dismissed for lack of
7 jurisdiction, because those claims do not challenge any final agency action; the United States has
8 not waived sovereign immunity over Plaintiffs' CJMT-related claims, and those claims are
9 unripe for adjudication.

10 Accordingly, the United States respectfully requests that the Court enter an Order
11 dismissing with prejudice Plaintiffs' Complaint and entering judgment in favor of the United
12 States. In furtherance of this Motion, the United States has filed today a supporting
13 Memorandum of Law and accompanying exhibits.

Respectfully submitted this 23rd day of November, 2016.

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/s/ Taylor Ferrell

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